

09/675,976

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Keith Shippy et al.

Application No.: 09/675,976
Docket No.: 042390.P7957

Filed: Sep. 29, 2000

For: **SYSTEM AND METHOD FOR SAFEGUARDING
DATA BETWEEN A DEVICE DRIVER AND A DEVICE**

Examiner: Jacob Lipman

Art Unit: 2134

VIA FAX (703) 872-9306

**AMENDMENT AND RESPONSE AND PETITION FOR
ONE MONTH EXTENSION OF TIME**

Mail Stop After Final
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.136(a), Applicant for the above-identified application respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to April 7, 2005, from the Office Action dated Dec. 7, 2004. Please charge the petition filing fee of \$120.00 to Deposit Account No. 02-2666.

If it should be determined that a longer extension of time is required to prevent this application from being abandoned, please charge any additional fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

In response to the Office Action mailed on Dec. 7, 2004, please reconsider the pending claims based on the following amendment.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

By: Anne Collette
Anne Collette

Date: April 6, 2005

**BLAKELY
SOKOLOFF
TAYLOR &
ZAFMAN**
A LIMITED LIABILITY
PARTNERSHIP INCLUDING
LAW CORPORATIONS

1279 OAKMEAD PARKWAY
SUNNYVALE, CALIFORNIA 94085
(408) 720-8300 (Telephone)
(408) 720-8383 (Facsimile)

APR 6 2005
U.S. PATENT & TRADEMARK OFFICE

FACSIMILE TRANSMITTAL SHEET

Deliver to: Examiner Jacob Lipman, Art Unit 2134

Firm Name: U.S. Patent & Trademark Office

Fax Number: 703-872-9306

From: John P. Ward **Operator:** Anne Collette

Date: April 6, 2005

App. No.: 09/675,976

No. of pages: 19 (including cover sheet)

Client/Matter: 042390.P7957 **Docket Date:** 4/7/2005 **Atty:** JDS

Dear Examiner:

Please find the following document(s) attached:

- 1) Fee Transmittal (1 page)
- 2) Response to Office Action (17 pages)

Thank you.

| | |
|---|----------------------------|
| CERTIFICATE OF TRANSMISSION | |
| I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. | |
| By: <u>Anne Collette</u> Anne Collette | Date: <u>April 6, 2005</u> |

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 09/675,976 |
| Filing Date | September 29, 2000 |
| First Named Inventor | Jacob Lipman |
| Examiner Name | Keith Shippy |
| Art Unit | 2134 |
| Attorney Docket No. | 042390.P7957 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | |
|------------------|--------------|----------|--------------|----------|------------------|----------|
| | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 |
| Design | 200 | 100 | 100 | 50 | 130 | 65 |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 |

2. EXCESS CLAIM FEESFee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | |
|--|--------------|----------|---------------|---------------------------|---------------|
| | | | | Fee (\$) | Fee Paid (\$) |
| - 20 or HP = | x | = | | | |
| HP = highest number of total claims paid for, if greater than 20 | | | | | |

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | |
|---|--------------|----------|---------------|---------------------------|---------------|
| | | | | Fee (\$) | Fee Paid (\$) |
| - 3 or HP = | x | = | | | |
| HP = highest number of independent claims paid for, if greater than 3 | | | | | |

3. APPLICATION SIZE FEE

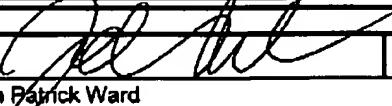
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | | = |

4. OTHER FEE(S)

1) Extension for response within first month (Fee Code 1251)

120.00

| | | | |
|-------------------|---|------------------------|--|
| SUBMITTED BY |  | | |
| Signature | Registration No. (Attorney/Agent) 40,216 | Telephone 408-420-8300 | |
| Name (Print/Type) | John Patrick Ward | Date April 6, 2005 | |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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